Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROY G. GORDON

Appeal No. 95-2420
Application No. 07/682,185[1]

HEARD: July 11, 1996

Before CALVERT and MEISTER, *Administrative Patent Judges, and* CRAWFORD, *Acting Administrative Patent Judge.*

CRAWFORD, *Acting Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal from the examiner's refusal to allow claims 1 through 15, which are all the claims that are pending in the application.

[1] Application for patent filed April 8, 1991.

Appellant's invention is a composite structure comprising a transparent sheet with a rough transparent coating on one surface of the sheet and a transparent glass layer on the rough coating. Claim 1 is representive of the subject matter on appeal and recites:

1. In a structure comprising a transparent sheet with a rough transparent coating on at least one surface of said sheet, the improvement wherein:

said rough coating is itself coated with a transparent glass layer having a refractive index substantially equal to the refractive index of said rough coating, the transparent layer having a smooth outer surface , the structure exhibiting reduced haze, enhanced abrasion resistance in reference to the structure without said glass coating and reduced ultraviolet transmission.

THE REFERENCES

The prior art references of record relied upon by the examiner in rejecting the claims are:

Ellis	3,922,471	Nov. 25, 1975
Doriguzzi et al. (Doriguzzi)	4,106,859	Aug. 15, 1978
Beggs et al. (Beggs)	4,381,333	Apr. 26, 1983

THE REJECTIONS

Claims 1 and 8 stand rejected under 35 USC § 102(b) as being anticipated by either Doriguzzi or Beggs. Claims 2 through 7 and

9 through 15 stand rejected under 35 USC § 103 as being unpatentable over either Doriguzzi or Beggs in view of Ellis.

Reference is made to the examiner's answer for the examiner's complete reasoning in support of the above noted rejections and to the appellant's brief for the arguments of the appellant thereagainst.

OPINION

In reaching our conclusion on the issues raised in this appeal, we have carefully considered appellant's specification and claims, the applied prior art, and the respective view points advanced by appellant and the examiner. As a consequence of our review, we have made the determination that we will not sustain the examiner's rejections under 35 USC § 102(b) and under 35 USC § 103. Our reasons follow.

We initially observe that an anticipation under 35 USC § 102(b) is established when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of the claimed invention. See

RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1443, 221 USPQ 385, 388 (Fed. Cir. 1984), cert. dismissed, sub nom, Hazeltine Corporation v. RCA Corp., 468 U.S. 1228 (1984). Additionally, the law of anticipation does not require that the references teach what the appellant is claiming, only that the claims on appeal read on something disclosed in the reference, i.e., all limitations of the claim are found in the reference. See Kalman v. Kimberly Clark Corporation, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Appellant's claimed subject matter as recited in claim 1, is a transparent sheet with a rough transparent coating on at least one surface of the sheet. This rough coating is itself coated with a transparent glass layer having a refractive index substantially equal to the refractive index of the rough coating. While the specification does not define transparency, it does indicate that the invention is directed to producing energy-conserving windows with clearer transmission of light and less scattering of light(specification at page 1). Webster's

Dictionary defines transparency as "having the property of transmitting light without appreciable scattering so that bodies lying beyond are entirely visible." Webster's Third International Dictionary (G. & C. Merriam Co., 1981). We find that this definition of transparency is consistent with the specification's disclosure of windows.

Doriguzzi discloses a light scattering reflector for liquid crystal displays. The reflector comprises a substrate 3 in the form of a roughened glass plate with a chromium layer 5 evaporated thereon. A reflective metal layer 6 is deposited on the chromium layer 5 and a transparent glass surface 7 is applied to the metal layer 6.

The examiner stated:

> The Appellant argues that Doriguzzi et al. discloses a reflector wherein there is not a transparent base, coating and glass-layer.
>
> This is not found persuasive since the over all structure of Doriguzzi et al. is to be used in a liquid crystal display, therefore, it must be at least partially transparent for its intended use (Examiner's answer at pages 3-4).

We agree with the appellant that the reflective layer of Doriguzzi is not transparent. We note that Doriguzzi discloses at column 4, lines 30 through 50, that a very thin reflective layer is "semi-transparent" so that light directed to the rear of the reflector serves to illuminate the reflector at night. However, a thin reflective layer does not transmit light so that objects lying beyond are entirely visible and as such we hold that the thin reflective layer of Doriguzzi is not transparent. In addition, Doriguzzi discloses nothing about the refractive indices of the coating and the transparent glass layer thereon. As such we will not sustain the rejection of claim 1 under 35 USC § 102(b) as anticipated by Doriguzzi. Claim 8 stands or falls with claim 1 (Brief at pg. 4).

Beggs discloses a composite structure which includes a porous silica substrate 12 on which is placed a high emittance glass layer 14. A high scattering glass layer 16 is placed on the high emittance layer 14. The high scattering layer 16 is disclosed as including particles 17 which scatter radiation incident thereon and as such we find that layer 16 is not a

transparent rough coating. In addition, Beggs discloses nothing about the refractive indices of layers 14 and 16. As Beggs does not disclose a rough transparent coating or that layers 14 and 16 have the same refractive indices, we will not sustain the rejection of claims 1 and 8.

The examiner has rejected claims 2 through 7 and 9 through 15 under 35 USC § 103 as being unpatentable over Doriguzzi or Beggs in view of Ellis. However, as Ellis does not overcome the deficiencies of Doriguzzi and Beggs, we will not sustain the rejections of claims 2 through 7 and 9 through 15 under 35 USC § 103.

Accordingly, the examiner's decision rejecting claims 1 and 8 under 35 USC § 102(b) and rejecting claims 1 through 7 and 9 through 15 under 35 USC § 103 is reversed.

REVERSED

IAN A. CALVERT)
Administrative Patent Judge)
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JAMES M. MEISTER) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
) INTERFERENCES
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MURRIEL E. CRAWFORD, Acting)
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